

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

v.

08-CR-251-A
ORDER

JAMES MICHAEL BEAVER,

Defendant.

On November 8, 2010, the Court sentenced Defendant James Beaver to 63 months' imprisonment following his plea of guilty to one count of violating 18 U.S.C. § 922(g)(1) (felon in possession of a firearm) and one count of violating 18 U.S.C. § 922(k) (possession of a firearm with an obliterated and altered serial number). The Defendant was released from the Bureau of Prisons on August 8, 2014. He then began his three-year term of supervised release.

The Defendant has now filed a motion for early termination of his supervision. See Docket No. 66. A court may reduce a term of supervised release if a defendant has served at least one year of supervised release and if the Court is satisfied, after considering the factors set forth in 18 U.S.C. § 3553(a), "that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e).

The Defendant's arguments for early termination are that he has not violated any term of supervised release since beginning supervision over two years ago; that he is now 34 years old, married, and has two children; and that he maintains two jobs. The Defendant's Probation Officer reports that the Defendant has been compliant with the

terms of supervision, but the Probation Officer recommends continuing supervision until it expires on August 7, 2017. The Probation Officer further reports that the Defendant may now be “a candidate for compliance reporting.”

In light of the Probation Officer’s intent to reduce the level of the Defendant’s supervision, in light of the Defendant’s criminal history category of VI, and after considering the factors set forth at 18 U.S.C. § 3553(a), the Defendant’s motion for early termination of supervision is denied.

SO ORDERED.

Dated: October 6, 2016
Buffalo, New York

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE